

M1  
American Embassy, Tehran, Iran

September 24, 1947.

Recd.  
Nov. 4, 1947 No. 496ACTION UNCLASSIFIED  
NEASUBJECT: Press releases with reference to Helmand  
River Contraversy.INFO  
FR  
DCR  
ITP  
OIE  
OGD

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

The Ambassador has the honor to transmit herewith:  
(1) translation of a statement on the Helmand River  
Contraversy prepared by the Irrigation Department,  
Iranian Ministry of Agriculture, and handed to the press  
on September 13, 1947; and (2) translation of a press  
item covering an interview with the Agricultural Attache  
of the Embassy which appeared in Ettela'at September 20th.

The Iranian Government, as set forth in Enclosure  
No. 1, bases its claim to Helmand River water upon the  
Goldsmith arbitration of 1872 which recognized prior  
use by Iranian Seistan. Iranian officials are fully  
satisfied that the Afghans are diverting all the water  
from the river above Band-i-Kamal Khan, otherwise they  
would have welcomed an investigation by a joint com-  
mission. The Iranian Government explains that the reason  
they rejected the Afghan request to send a mission to  
Seistan is the fact that the acreage now under cultiva-  
tion is much less than normal owing to shortage of  
irrigation water and, therefore, is not fair basis for  
determining the water requirements of the area.

## Enclosures:

1. Press release dated September 13, 1947.
2. " " " " " 20, 1947.

900

HGBolster:la

To Department in original and hectograph.

cc: American Embassy, Kabul.

UNCLASSIFIED

VITAL STORAGE

VITAL STORAGE

Bayles

Enclosure No. I to Despatch No. 496 dated September 24, 1947, from American Embassy, Tehran, Iran, on "Press releases with reference to Helmand River Controversy."

PRESS RELEASE OF THE IRRIGATION DEPARTMENT.  
MINISTRY OF AGRICULTURE, CONCERNING THE  
CONTROVERSIES ABOUT THE HELMAND RIVER  
(Released September 13, 1947)

Since, the interview of Ettela'at with the Ambassador of Afghanistan was published, many interested persons and reporters called upon the Ministry of Agriculture and the Irrigation Department for information about the Helmand problem.

The following report is to inform the public on the present and past situation of the Helmand problem and occurrences of the last few months:

According to the Peace Treaty, between Iran and Great Britain, signed in Paris in 1857, in case of differences with Afghanistan, the Iranian Government must refer to friendly arbitration of the British Government. Accordingly, in 1872, General Sir Frederick Goldsmith was appointed arbitrator, to settle differences between Iran and Afghanistan, with regard to boundaries and the use of the Helmand waters. The Goldsmith arbitration includes the following statement regarding the division of water:

"Moreover, it should be understood that neither of the two parties may perform any action intended to interfere with the flow of required supply of water for irrigation on both sides of the Helmand."

In 1873, based on the request of the Afghan Government, the British Foreign Office, with approval of Sir Frederick Goldsmith, explained this arbitration as follows:

"The clause cannot be understood to apply either to existing canals or to such old and disused canals as the Afghan Government may wish to put in proper repair, nor would it interfere with the excavation of new canals provided the requisite supply of water for irrigation on the Persian side is not diminished."

In 1896, the change in the course of the Helmand River brought up new differences and during the years 1900 and 1902 because of low water on the Iranian side, the Government based on the 1857 Treaty, called on the British Government for arbitration. This time, Colonel Mac Mahon was appointed arbitrator. The Iranian Government accepted his arbitration only on condition that it should be based upon Goldsmith's viewpoint on the division of the Helmand's waters. Although, in sections 5 and 6 of his arbitration Mac Mahon recognized this condition he awarded to Iran only 1/3 of the total Helmand waters.

The

Enclosure No. 1 to Dispatch No. 100 dated September 24, 1947 (Confidential).

(Page 2)

The Iranian Government refused to accept this arbitration and since that time the division of the waters has been, theoretically, based on equal partitions. But, actually, 2/3 or more of the waters was used by the Iranian farmers. In 1316 (1937-38), for instance, the minimum flow recorded was 36 cubic meters per second at Chahr Borjak. Of this, 24 cubic meters per second was flowing for the use of Iran.

In 1311 (1932-33) because of continuous controversy and sometimes fighting among local farmers concerning the division of the waters, the two Governments decided to put an end to such disputes by signing a treaty. Article 8 of the draft treaty prepared by Iran and proposed in 1314 (1935-36) to Afghanistan was written as follows:

"Article 8 - The two Governments agree not to undertake any action, along the River in their respective territories which would result in a diminution of the share of the waters to either of the countries."

Long discussions about this article followed, but the Afghan Government refused to have it included in the Treaty. Finally, in 1317 (1938-39) the two Governments agreed to sign along with the Treaty, a supplementary statement which reads as follows:

"In view of sincere and friendly relations which fortunately exist between the Imperial Government of Iran and the Royal Government of Afghanistan, at this time, when the treaty concerning the division of the waters of the Helmand is being signed by the plenipotentiary representatives of the two countries to avoid all kinds of anxiety and suspicions among inhabitants of Seistan and Chakansur, and naturally between the two Governments, and make it possible for the people living in both sides of the frontier to cooperate and trust each other with mutual understanding and sincerity, the following joint statement is signed and is annexed to the Treaty of the Division of the Helmand waters signed today:

2 - The Royal Government of Afghanistan, announces, that it has no intention to cause any diminution of the amount of waters flowing to Seistan and will not, therefore, authorize any action which will result in a diminution of the share of Iran of the Helmand waters at Band-i-Kamal Khan, (as provided by the 1st article of the Treaty) hence, causing damage to the agriculture and irrigation of Seistan."

The

Enclosure No. 1 to Despatch No. 496 dated September 24, 1947 (Cont'd).

(Page 3)

The Treaty and the supplementary statement was passed by the Iranian Majless in the beginning of the year 1318 (1939-40) and was ratified by His Majesty the Shah.

The Afghans, however, accepted the Treaty but rejected the supplementary statement, despite it having been signed by their Minister of Foreign Affairs as their representative.

From this supplementary treaty, Iran sought only to secure recognition of its natural right, established during centuries and clearly stated in Goldsmith's arbitration.

These discussions and negotiations make it clear that at the time of signing the Treaty, both parties were anxious about conditions in the future. The Iranian Government was trying to obtain, by signing the treaty, some guaranty that the share of water for irrigation of Seistan would not be diminished or entirely cut off. But the Afghans, who had signed the supplementary statement as a substitute for the proposed Article 8, refused later to respect their signature.

In recent years, the Iranian Government has been informed that the Afghans have begun the digging of a large canal above Girishk, called Boghra <sup>1/</sup>, which may, after completion, divert all the water required for the irrigation of Seistan.

Many letters and discussions about this matter have been exchanged between the Department of Agriculture and the Ministries of Finance and Foreign Affairs. All the information received confirmed the digging of Boghra Canal. The Ministry of Foreign Affairs was directly nursing the matter.

In Mordad 1325 (July 24 to August 23, 1946), a report was received from the Office of Agriculture at Zabol, which indicated that flow of the Helmand had become so small that no water was reaching the city of Zabol. We called the attention of the Ministry of Foreign Affairs to that report and made it clear that under such conditions the life of one of the most productive regions of Iran was being threatened and that prompt measures should be taken. At the meetings with H.E. the Ambassador of Afghanistan, at the Ministry of Foreign Affairs, his attention was also called to the matter. Discussions and complaints were going on until the time when, due to precipitations in the fall, the River began to rise so that when the representatives of the two Governments met in Dey 27, 1325 (January 17, 1947) there was no more need for measuring and dividing the water.

The

---

<sup>1/</sup> Translator's note: Later in the same paper, this canal is reported as being diverted below Girishk.

Enclosure No. I to Despatch No. 496 dated September 24, 1947 (Cont'd).

(Page 4)

The joint commission decided to postpone the matter to the first part of Tir 1326 (end of June 1947).

It must be noticed that the abundance of water during the last part of Dey (beginning of January) is not of great importance to crop production in Seistan. The reason is that late seeding does not give satisfactory results.

In 1326, the flow of the Helmand River started to decrease. According to many reports, (some of them published by the press), in the beginning of Mordad (end of July), the river bed at Band-i-Kohak was almost dry. These reports also indicated that the Afghans had stopped the flow of the Helmand waters into Seistan and that the province was threatened by drought. The amount of water at Band-i-Kohak, as of Mordad 24 (August 16) was only 3 "Sang" (40 liters per second).

According to the written statement of Dey 27, 1325 (January 17, 1947) it was agreed that the second commission for the division of the waters would meet about the beginning of the Month of Tir 1326 (end of June 1947). They did not meet, however, until Mordad 18 (August 10).

A report from Mr. Ghanimati 1/ , dated Mordad 24, 1326 (August 16, 1947) states that:

"After visiting the common frontier canals, Shahi, Khabgah and other canals (which all were without water), the Mission reached Band-i-Kamal Khan. At this place the Afghans stopped the mission from advancing to Band-i-Kamal Khan and, consequently, no division of the waters took place."

According to the same report the amount of water at Band-i-Kohak, (as of August 16, 1947) was only 40 liters per second, all of which was being lost in the sands without any use. It must be noticed that the normal flow of the Helmand, at this time of the year, at Band-i-Kohak has been several hundred times this much. In 1321 (1942-43), the rate of flow at Band-i-Kohak was 52.5 cubic meters per second (or 3,500 Sang).

Reports of Agricultural agents show that, at present, there is no summer crops in Seistan. Lake Hamun is nearly dry and herds of cattle, which are the main resources of Seistan, are now without feed. The reed pastures of Hamun Lake have been completely grazed and no other feed is available for the cattle. The unfortunate inhabitants of this region are compelled to sell their livestock at very low prices.

The

---

1/ Head of the Iranian delegation to the joint Afghan-Iranian Commission.

Enclosure No. I to Despatch No. 496 dated September 24, 1947 (cont'd).

(Page 5)

The Ministry of Agriculture has reliable information that while during the last few weeks no water has been flowing into Seistan, abundant water has been flowing in all the 33 canals, between Girishk and Band-i-Kamal Khar (one of the them is the Boghra canal which is probably not yet completed) except in the two canals of Lake Safar and Band-i-Dusheen.

At Khwaja Ali Ghazi Shirjan, the entire water of the Helmand is diverted by an earthen dam and from that point on, no water is flowing to Iran 1/.

In addition to that, the Seraj canal, which is 20 meters wide, was completed four years ago.

The above actions are a clear violation of the provisions of the Goldsmith arbitration, the 1317 Treaty and its supplement, and even Mac Mahon's arbitration. They are also contrary to the mutual friendship relations between the two countries. And as a result Seistan with its 250,000 people finds itself without water. A region, where the crop production in normal times satisfies the requirements of the local population as well as Baluchistan, Chayenat and other places.

If the present drought is ascribed as being due to a dry year, it must be remembered that: (1) The Afghans, according to arbitrations and existing documents should not dig large canals, like Seraj and others, resulting in the drying up of the River at Khwaja Ali Ghazi Shirjan and thus, depriving Iran of its rights to the waters of the Helmand, and (2) assuming this year was a year of low water, why then was Seistan short of water in 1325 (1946-47), which was a good year. It is, therefore, obvious that the present situation is not due to so-called dry year.

It must be stated here that the Iranian Government recognizes the right of Afghans to make any use of the Helmand waters they wish, provided the rights of Iran to waters of the Helmand are respected.

The following is a brief review of activities of the Ministry of Foreign Affairs, during the last few months with regard to the Helmand problem:

This year, in Khordad, (May 23 to June 22), the Ministry of Foreign Affairs proposed to the Afghan Government that a joint commission composed of 6 representatives of the two countries be charged with visiting the course of the Helmand River and studying

the

---

1/ Translator's note: It must be noticed that according to the Ministry of Agriculture, the Khwaja Ali Ghazi Shirjan canal is the 26th canal down the river from Girishk. This statement is, therefore, in contradiction with the sentence just above.

Enclosure No. I to Despatch No. 496 dated September 24, 1947 (Cont'd).

(Page 6)

the actual water situation. The Afghan Government replied that, since our purpose is to secure water for irrigation of Seistan it would be necessary that at joint commission representing both countries be sent to Seistan to study the agricultural conditions there and report the matter to their respective Governments. The Iranian Government refused to accept this proposal and suggested that a mission headed by the Iranian Minister of Agriculture be sent to Kabul, for settling differences, but the Afghan Government in its note of beginning of Mordad, (end of July) replied that the sending of a mission to visit the course of the Helmand is interfering with the internal affairs of Afghanistan, and could not be considered. The Iranian Government, the note continues, should authorize the Afghan Mission to go to Seistan or accept the 1317 Treaty without the supplementary statement. Otherwise there would be no use for the Minister of Agriculture to go to Kabul.

The Afghan proposition of sending a mission to Seistan was rejected by the Iranian Government. Likewise, the suggestion to accept the 1317 treaty without the supplementary statement could not be accepted since the 1317 Treaty and the statement annexed to it was passed by the Majless as a single act. The Afghan Government was notified that unless the supplementary statement was taken into consideration, the Iranian Government would have to base its claim on the Goldsmith arbitration according to which the Afghan Government has no right to do anything along the Helmand River resulting in diminution of required supply of water on the Iranian side, and will be obliged to take necessary measures to safeguard its rights.

Translated by:

K. Sai

Enclosure No. 1 to Despatch No. 496 dated September 24, 1947 (Cont'd).

(Page 6)

the actual water situation. The Afghan Government replied that, since our purpose is to secure water for irrigation of Seistan it would be necessary that at joint commission representing both countries be sent to Seistan to study the agricultural conditions there and report the matter to their respective Governments. The Iranian Government refused to accept this proposal and suggested that a mission headed by the Iranian Minister of Agriculture be sent to Kabul, for settling differences, but the Afghan Government in its note of beginning of Rordad, (end of July) replied that the sending of a mission to visit the course of the Helmand is interfering with the internal affairs of Afghanistan, and could not be considered. The Iranian Government, the note continues, should authorize the Afghan Mission to go to Seistan or accept the 1317 Treaty without the supplementary statement. Otherwise there would be no use for the Minister of Agriculture to go to Kabul.

The Afghan proposition of sending a mission to Seistan was rejected by the Iranian Government. Likewise, the suggestion to accept the 1317 treaty without the supplementary statement could not be accepted since the 1317 Treaty and the statement annexed to it was passed by the Majless as a single act. The Afghan Government was notified that unless the supplementary statement was taken into consideration, the Iranian Government would have to base its claim on the Goldsmith arbitration according to which the Afghan Government has no right to do anything along the Helmand River resulting in diminution of required supply of water on the Iranian side, and will be obliged to take necessary measures to safeguard its rights.

Translated by:

K. Sai



Enclosure No. III to Depatch No. 496 dated September 24, 1947, from American Embassy, Tehran, Iran, on "Pressrelease with reference to Helmand River Controversy".

EMTELA'AT  
September 20, 1947

PRESS ITEM

SUBJECT: The Agricultural Attache of the American Embassy who has been visiting the Helmand River area, confirms that: "The Helmand is without water".

The representative of the American Embassy who has been visiting Seistan and the neighborhood of the Helmand River, states his opinion on the situation brought about as a result of deficiency of water.

Mr. Horace G. Bolster, Agricultural Attache of the American Embassy, as a part of his usual duty of studying agricultural conditions in Iran, made a trip to Seistan to see the agricultural situation of that area. He visited Band-i-Kohak, the place where the Helmand River flows on the boundary of Iran and Afghanistan.

Mr. Bolster made a complete study of conditions resulted from drought, on this side of the frontier. Now that he is back here, in an interview with our reporter, he made the following statement:

The Helmand River area is now, severely, affected by drought and the River bed is completely dry, except for standing water in some of the deeper holes.

Mr. Bolster said:

"I do not know the cause of the drought because I am not informed about the situation on the other side of the frontier."

The Agricultural Attache of the American Embassy added that the absence of water may be the result of diversion of the waters into other channels in Afghanistan or it may be due to drought. But in any case, the present situation in Seistan is critical.

The livestock, Mr. Bolster said, is now short of feed and the population has resorted to slaughtering many of them every day before they die from lack of food.

Water for all people is being supplied from wells, but the water of these wells are not suitable for drinking.

Translation by  
K. Sai